

FILED: January 7, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 23-2192  
(1:23-cv-01177-LMB-IDD)

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NORTHERN VIRGINIA HEMP AND AGRICULTURE, LLC; ROSE LANE;  
FRANNY'S OPERATIONS, INC.

Plaintiffs - Appellants

v.

COMMONWEALTH OF VIRGINIA; GLENN YOUNGKIN, Governor of the Commonwealth of Virginia, in his official capacity; JASON S. MIYARES, Attorney General for the Commonwealth of Virginia, in his official capacity; BOARD OF AGRICULTURE AND CONSUMER SERVICES; JOSEPH GUTHRIE, Commissioner of the Virginia Department of Agriculture and Consumer Services, in his official capacity; VIRGINIA CANNABIS CONTROL AUTHORITY; STEVE DESCANO, Commonwealth's Attorney for the County of Fairfax, in his capacity; BUTA BIBERAJ, Commonwealth's Attorney for the County of Loudoun, in her official capacity; BRYAN L. PORTER, Commonwealth's Attorney for the City of Alexandria, in his official capacity; AMY ASHWORTH, Commonwealth's Attorney for the County of Prince William, in her official capacity; PARISA DEHGHANI-TAFTI, Commonwealth's Attorney for the County of Arlington and the City of Falls Church, in her official capacity; SCOTT C. HOOK, Commonwealth's Attorney for the County of Fauquier, in his official capacity; BRYAN CAVE, Commonwealth's Attorney for the County of Page, in his official capacity; R. ALLEN NASH, Commonwealth's Attorney for the County of Mecklenburg, in his official capacity; KRYSTYN REID, Commonwealth's Attorney for the County of York and the City of Poquoson, in her official capacity; VINCENT DONOGHUE, Commonwealth's Attorney for the County of Essex, in his official capacity; COOPER BROWN,

Commonwealth's Attorney for the County of Franklin, in his official capacity; DIANA WHEELER O'CONNELL, Commonwealth's Attorney for the County of Orange, in her official capacity; MEGAN L. CLARK, Commonwealth's Attorney for the County of Prince Edward, in her official capacity; MICHAEL T. HURD, Commonwealth's Attorney for the County of Middlesex, in his official capacity; R. E. CHALKLEY, Commonwealth's Attorney for the County of Hanover, in his official capacity; COLIN D. STOLLE, Commonwealth's Attorney for the City of Virginia Beach, in his official capacity; MARC ABRAMS, Commonwealth's Attorney for the County of Page, in his official capacity; MEREDITH ADKINS, Commonwealth's Attorney for the County of King and Queen, in her official capacity; JOHN R.H. ALEXANDER, Commonwealth's Attorney for the County of Botetourt, in his official capacity; GERALD D. ARRINGTON, Commonwealth's Attorney for the County of Buchanan, in his official capacity; KEMPER M. BEASLEY, III, Commonwealth's Attorney for the County of Buckingham, in his official capacity; ANTON A. BELL, Commonwealth's Attorney for the City of Hampton, in his official capacity; JOHN S. BELL, Commonwealth's Attorney for the County of Warren, in his official capacity; CLARISSA BERRY, Commonwealth's Attorney for the County of Madison, in her official capacity; TRAVIS BIRD, Commonwealth's Attorney for the County of Spotsylvania, in his official capacity; WILLIAM BLAINE, Commonwealth's Attorney for the County of Brunswick, in his official capacity; DAYNA KENDRICK BOBBITT, Commonwealth's Attorney for the County of Patrick, in her official capacity; JONATHAN BOURLIER, Commonwealth's Attorney for the County of Dinwiddie, in his official capacity; TOM C. BOWEN, III, Commonwealth's Attorney for the County of Mathews, in his official capacity; THOMAS E. BOWERS, Commonwealth's Attorney for the City of Salem, in his official capacity; BRANDON BOYLES, Commonwealth's Attorney for the County of Grayson and City of Galax, in his official capacity; ERIC BRANSCOM, Commonwealth's Attorney for the County of Floyd, in his official capacity; ROGER D. BROOKS, Commonwealth's Attorney for the County of Carroll and the City of Galax, in his official capacity; TIFFANY BUCKNER, Commonwealth's Attorney for the City of Petersburg, in her official capacity; DONALD S. CALDWELL, Commonwealth's Attorney for the City of Roanoke, in his official capacity; W. LYLE CARVER, Commonwealth's Attorney for the County of Amherst, in his official capacity; D. MICHAEL CAUDILL, Commonwealth's Attorney for the County of Goochland, in his official capacity; ROBERT CERULLO, Commonwealth's Attorney for the County of Powhatan, in his official capacity; ALFRED G. COLLINS, Commonwealth's Attorney for the City of Colonial Heights, in his official capacity; EDWIN CONSOLVO, Commonwealth's Attorney for the County of Greene, in his official capacity; ERIC A. COOKE, Commonwealth's Attorney for the City of Franklin and the

County of Southampton, in his official capacity; H. FULLER CRIDLIN, Commonwealth's Attorney for the County of Lee, in his official capacity; JOSHUA CUMBOW, Commonwealth's Attorney for the County of Washington, in his official capacity; STACEY DAVENPORT, Commonwealth's Attorney for the County of Chesterfield, in her official capacity; DEREK DAVIS, Commonwealth's Attorney for the County of Surry, in his official capacity; STEVEN C. DAVIS, Commonwealth's Attorney for the County of Wise and the City of Norton, in his official capacity; MELISSA A. DOWD, Commonwealth's Attorney for the County of Highland, in her official capacity; MATTHEW DUNNE, Commonwealth's Attorney for the County of Craig, in his official capacity; JOHN DUSEWICZ, Commonwealth's Attorney for the County of Gloucester, in his official capacity; JOSH O. ELROD, Commonwealth's Attorney for the City of Buena Vista, in his official capacity; ROY F. EVANS, Commonwealth's Attorney for the County of Smyth, in his official capacity; RAMIN FATEHI, Commonwealth's Attorney for the City of Norfolk, in his official capacity; DANIEL FELLHAUER, Commonwealth's Attorney for the County of Scott, in his official capacity; SUSAN FIERRO, Commonwealth's Attorney for the County of Prince George, in her official capacity; LESLIE M. FLEET, Commonwealth's Attorney for the County of Appomattox, in his official capacity; JEFFREY GAINES; ANN GARDNER, Commonwealth's Attorney for the County of Alleghany and the City of Covington, in her official capacity; MASHA L. GARST, Commonwealth's Attorney for the County of Rockingham and the City of Harrisonburg, in her official capacity; ARTHUR L. GOFF, Commonwealth's Attorney for the County of Rappahannock, in his official capacity; WILLIAM E. GREEN, Commonwealth's Attorney for the County of Charlotte, in his official capacity; NATHAN GREEN, Commonwealth's Attorney for the County of James City and the City of Williamsburg, in his official capacity; JUSTIN GRIFFITH, Commonwealth's Attorney for the County of Pulaski, in his official capacity; KERI GUSMANN, Commonwealth's Attorney for the County of King George, in her official capacity; HOWARD E. GWYNN, Commonwealth's Attorney for the City of Newport News, in his official capacity; JEFFREY HAISLIP, Commonwealth's Attorney for the County of Fluvanna, in his official capacity; G. ANDY HALL, Commonwealth's Attorney for the City of Martinsville, in his official capacity; MATTHEW R. HAMEL, Commonwealth's Attorney for the City of Chesapeake, in his official capacity; WENDY J.D. HANNAH, Commonwealth's Attorney for the County of Cumberland, in her official capacity; LEE RANDOLPH HARRISON, Commonwealth's Attorney for the County of Amelia, in his official capacity; BETHANY HARRISON, Commonwealth's Attorney for the County of Lynchburg, in her official capacity; ROBERT HASKINS, Commonwealth's Attorney for the County of Pittsylvania, in his official capacity; BEN HEIDT, Commonwealth's Attorney for the County

of Caroline, in his official capacity; JAMES HINGELEY, Commonwealth's Attorney for the County of Albemarle, in his official capacity; BRIAN HOLOHAN, Commonwealth's Attorney for the County of Roanoke, in his official capacity; ELIZABETH K. HUMPHRIES, Commonwealth's Attorney for the City of Fredericksburg, in her official capacity; MICHAEL D. JONES, Commonwealth's Attorney for the County of Wythe, in his official capacity; DAVID L. LEDBETTER, Commonwealth's Attorney for the City of Waynesboro, in his official capacity; ROBERT M. LILLY, JR., Commonwealth's Attorney for the County of Giles, in his official capacity; TIM MARTIN, Commonwealth's Attorney for the County of August, in his official capacity; TRACY QUACKENBUSH MARTIN, Commonwealth's Attorney for the County of Halifax, in her official capacity; PAUL A. MCANDREWS, Commonwealth's Attorney for the County of Campbell, in his official capacity; COLETTE WALLACE MCEACHIN, Commonwealth's Attorney for the City of Richmond, in her official capacity; R. E. MCGUIRE, Commonwealth's Attorney for the County of Louisa, in his official capacity; JARED L. MOON, Commonwealth's Attorney for the City of Lexington and the County of Rockbridge, in his official capacity; STEPHANIE MORALES, Commonwealth's Attorney for the City of Portsmouth, in her official capacity; J. SPENCER MORGAN, Commonwealth's Attorney for the County of Accomack, in his official capacity; WESLEY NANCE, Commonwealth's Attorney for the County of Bedford, in his official capacity; ANDREW NESTER, Commonwealth's Attorney for the County of Henry, in his official capacity; JOSH NEWBERRY, Commonwealth's Attorney for the County of Dickenson, in his official capacity; RICHARD NEWMAN, Commonwealth's Attorney for the City of Hopewell, in his official capacity; MICHAEL NEWMAN, Commonwealth's Attorney for the City of Danville, in his official capacity; ERIC L. OLSEN, Commonwealth's Attorney for the County of Stafford, in his official capacity; MARY K. PETTITT, Commonwealth's Attorney for the County of Montgomery, in her official capacity; GEORGETTE PHILLIPS, Commonwealth's Attorney for the County of Isle of Wight, in her official capacity; JAMES CHRISTOPHER PLASTER, Commonwealth's Attorney for the County of Tazewell, in his official capacity; JOSEPH D. PLATANIA, Commonwealth's Attorney for the City of Charlottesville, in his official capacity; NARENDRA PLEAS, Commonwealth's Attorney for the City of Suffolk, in her official capacity; CHRISTIAN EDWARD REHAK, Commonwealth's Attorney for the City of Radford, in his official capacity; T. SCOTT RENICK, Commonwealth's Attorney for the County of New Kent, in his official capacity; VINCENT L. ROBERTSON, Commonwealth's Attorney for the County of Sussex, in his official capacity; DANIEL RUTHERFORD, Commonwealth's Attorney for the County of Nelson, in his official capacity; JULIA HUTT SICHOL, Commonwealth's Attorney for the County of Westmoreland, in her

official capacity; JOHN C. SINGLETON, Commonwealth's Attorney for the County of Bath, in his official capacity; ANTHONY G. SPENCER, Commonwealth's Attorney for the County of Lancaster, in his official capacity; ROSS P. SPICER, Commonwealth's Attorney for the County of Frederick, in his official capacity; JORDAN SPIERS, Commonwealth's Attorney for the County of Lunenburg, in her official capacity; ZACHARY A. STOOTTS, Commonwealth's Attorney for the County of Russell, in his official capacity; SHANNON L. TAYLOR, Commonwealth's Attorney for the County of Henrico, in her official capacity; JACK ARNOLD THORNTON, III, Commonwealth's Attorney for the County of Northampton, in his official capacity; ELIZABETH A. TRIBLE, Commonwealth's Attorney for the County of Richmond, in her official capacity; ROBERT H. TYLER, Commonwealth's Attorney for the County of Charles City, in his official capacity; PAUL WALTHER, Commonwealth's Attorney for the County of Culpeper, in his official capacity; LEANNE WATROUS, Commonwealth's Attorney for the County of Nottoway, in her official capacity; PATRICIA TAYLOR WATSON, Commonwealth's Attorney for the County of Greenville, in her official capacity; TIFFANY M. WEBB, Commonwealth's Attorney for the County of King William, in her official capacity; PATRICK D. WHITE, Commonwealth's Attorney for the County of Bland, in his official capacity; ANNE MCCARDELL WILLIAMS, Commonwealth's Attorney for the County of Clarke, in her official capacity; AMANDA MCDONALD WISELEY, Commonwealth's Attorney for the County of Shenandoah, in her official capacity; JERRY ALLEN WOLFE, Commonwealth's Attorney for the City of Bristol, in his official capacity; JANE WRIGHTSON, Commonwealth's Attorney for the County of Northumberland, in her official capacity; HEATHER HOVERMALE, In her official capacity as the Commonwealth's Attorney for the City of Winchester; KYLE KILGORE, In his official capacity as the Commonwealth's Attorney for the County of Scott; M. BRETT HALL, In his official capacity as the Commonwealth's Attorney for the County of Wise and the City of Norton

Defendants - Appellees

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AMERICAN TRADE ASSOCIATION FOR CANNABIS AND HEMP

Amicus Supporting Appellees

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J U D G M E N T

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In accordance with the decision of this court, the judgment of the district court is affirmed in part and vacated in part. This case is remanded to the district court for further proceedings consistent with the court's decision.

This judgment shall take effect upon issuance of this court's mandate in accordance with [Fed. R. App. P. 41](#).

/s/ NWAMAKA ANOWI, CLERK